

The Senate concurred in House amendments.

The President laid before the Senate Senate bill No. 39, "An act to amend articles 314 and 315, chapter 3, title 9, of the Penal Code of the State of Texas," with House amendments.

Senator Fowler moved that the Senate do not concur in House amendments, and that a conference committee be appointed to confer with a like committee of the House.

Carried.

The President appointed Senators Fowler, Harris and Martin on said committee.

The President laid before the Senate Senate bill No. 41, entitled "An act to provide for the payment of fees to county judges, justices of the peace, sheriffs, constables, district and county attorneys, and district clerks, for services rendered in felony cases."

Bill read third time and passed.

The President laid before the Senate Senate bill No. 135, entitled "An act to create the land districts of Mitchell and Howard."

Bill read third time and passed.

The President laid before the Senate Senate bill No. 10, entitled "An act to repeal an act entitled 'an act to prescribe the requisites of indictments in certain cases, approved March 26, 1881,' except as to indictments and criminal prosecutions pending at the time this act takes effect."

Bill read second time and ordered engrossed.

The President laid before the Senate Senate bill No. 19, "An act to amend articles 908, of chapter 2, and 911, of chapter 3, of the Code of Criminal Procedure."

Senator Cooper offered the following amendment:

Amend by striking out as follows: Article 908, of chapter 2, and amend the body of bill as follows: Strike out article 908, and amend article 911 as follows: "When the defendant is brought before the justice of the peace, he shall proceed to try the cause without delay, unless good ground for postponement thereof, in which case he shall postpone the trial until the next regular term of court, and shall require the defendant to give bond for his appearance at said term, and if when required he fails to give bond, he shall be kept in custody until the final termination of the cause."

Senator Harris moved the previous question on the pending amendment and the bill.

The motion seconded and the main question ordered.

The amendment of Senator Cooper was lost, and the Senate refused to engross the bill by the following vote:

YEAS—9.

Davis,  
Evans,  
Fowler,

Gibbs,  
Harris,  
Johnston of Shelby,

King,  
Matlock,  
Peacock.

NAYS—13.

Collins,  
Cooper,  
Farrar,  
Gooch,  
Houston,

Johnson of Collin,  
Kleberg,  
Martin,  
Randolph,

Shannon,  
Stratton,  
Terrell,  
Traylor.

Senator Jones moved to suspend the rules and take up Senate bill No. 207, entitled "An act to authorize and require the Commissioner of General Land Office to issue a certificate for thirteen labors of land to the heirs of Anson Jones, deceased."

Carried, and bill taken up and read second time.

Senator Harris offered the following amendment:

Strike out the word "unlocated," in next to last line of section 1, and insert "unappropriated."

Senator Gooch offered the following amendment to the pending amendment:

Insert after the word "unappropriated," the words "and unreserved."

Accepted by Senator Harris, and amendment adopted.

The Senate refused to engross the bill, by the following vote:

YEAS—8.

Collins,  
Harris,  
Houston,

Jones,  
King,  
Kleberg,

Matlock,  
Randolph,

NAYS—14.

Cooper,  
Davis,  
Evans,  
Farrar,  
Fowler,

Gooch,  
Johnson of Collin,  
Martin,  
Peacock,  
Pope,

Shannon,  
Stratton,  
Terrell,  
Traylor.

Senator Stratton moved to reconsider the vote by which the Senate refused to engross Senate bill No. 207.

Senator Davis moved to lay that motion on the table.

Carried, and bill lost.

Senator Matlock moved to suspend the rules and take up Senate bill No. 103, entitled "An act to amend section 7, chapter 76, of the act of 1879, entitled 'an act to give effect to section 2, article 9, of the Constitution, regulating the manner of removing and locating county seats and to provide for the location of county seats in organized counties, where no county seat has been established by law.'"

Carried, and bill taken up, read second time and ordered engrossed.

On motion of Senator Harris, the vote just taken was reconsidered.

Senator Matlock offered the following amendment, to amend caption and section 1 of the act:

"An act to amend section 7 of the acts of the call session of 1879, approved April 10, 1879, entitled 'an act to give effect to section 2, article 9, of the Constitution, regulating the manner of removing and locating county seats, and to provide for the location of county seats in organized counties, where no county seat has been created by existing law.'"

Adopted, and bill ordered engrossed.

The President laid before the Senate Senate joint resolution No. 5, "Making an appropriation for the settlement of the Robert Wilson claim," with adverse report of the committee to lay the resolution on the table.

Report adopted and resolution lost.

On motion of Senator, Gibbs the Senate adjourned until 10 o'clock Monday morning.

## TWENTY-NINTH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, February 12, 1883. }

Senate met pursuant to adjournment.

Hon. A. W. Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by Rev. Dr. Bunting of Galveston.

On motion of Senator Stratton, the reading of Saturday's journal was dispensed with, and same adopted.

Senator Evans presented a petition from citizens of Fannin county, asking the passage of a law protecting hog raising interest.

Referred to Judiciary Committee No. 2.

Also, a petition of divers citizens of Fannin county, asking the privilege of voting upon a constitutional amendment prohibiting the sale, manufacture and importation of intoxicating liquors.

Referred to Committee on Constitutional Amendments.

Senator Pfeuffer introduced a bill to be entitled "An act

to aid in preventing the spreading of smallpox, and to provide sanitary regulations for guidance of the State Health Officer, and other officers and employees."

Referred to Committee on Public Health.

Senator Stratton introduced a bill to be entitled "An act to create a State Board of Health for the better protection of life and health, and the prevention and spread of diseases in the State of Texas."

Referred to Committee on Public Health.

Also, a bill to amend sections 3, 4, 5, 6, 11, 14, 15, 16, 18, 20, 21, 22, 23, 26, 28, 29, 30, 51, 52, 82, 90, 91, 117, 127, 128, 135, 140, 142, 147, 148, 151, 157, 158, 159, 161, 170, 171, of "An act to incorporate the city of Galveston, and to grant a new charter, approved August 2, 1876, and amended by act of Legislature, approved April 5, 1881."

Referred to Committee on State Affairs.

Senator Shannon introduced a bill to change the time of holding the district courts in the twenty-ninth judicial district of the State of Texas.

Referred to Committee on Judicial Districts.

Senator Johnston of Shelby introduced a concurrent resolution ratifying penitentiary leases.

Referred to Committee on Penitentiaries.

On motion of Senator Stratton, Senator Jones was excused for to-day, on account of important business.

On motion of Senator Kleberg, First Assistant Secretary Boynton was excused for to-day, in consequence of pressing business.

Senator Stratton moved to suspend the rules and take up Senate joint resolution No. 5, and that it be made the special order for to-morrow immediately after morning call.

Lost.

A message was received from the House informing the Senate of the passage by that body of Senate concurrent resolution requesting the Senators and Representatives from Texas to aid in the passage of an act to equip and support an agricultural experiment station in each State, under the control of the State agricultural and mechanical college. Also, House bill No. 156, entitled "An act to create a board for the assessment and equalization of railroad rolling stock and other movable property of railroad companies in this State."

The President gave notice of signing the following bills:

Senate bill No. 33, entitled "An act to amend article 800, of chapter 3, title 9, of the Code of Criminal Procedure of the State of Texas, passed February 21, 1879."

Senate bill No. 56, entitled "An act to amend article 1083 of the Code of Criminal Procedure of the State of Texas."

Senate bill No. 94, entitled "An act requiring the printing and publication of two thousand five hundred copies of the general laws of the Sixteenth and Seventeenth Legislatures, and the general laws of the called session of the Sixteenth Legislature."

Senate bill No. 140, entitled "An act to amend article 1135, chapter 1, title 28, of the Revised Civil Statutes."

And Senate bill No. 13, entitled "An act to amend articles 669 and 670 of the Code of Criminal Procedure."

The President laid before the Senate committee substitute Senate bills Nos. 23, 59, 67, 124 and 154, entitled "An act to provide for the sale of the alternate sections of land as surveyed by railroad companies and other works of internal improvement, and set apart for the benefit of the common school fund, and to provide for the investment of the proceeds thereof."

Senator Cooper moved to postpone further consideration of the bill and make it special order for Wednesday.

Senator Matlock moved to amend the motion of Senator

Cooper by adding "and from day to day until disposed of."

Accepted, and motion, as amended, lost.

Senator Davis moved to recommit the committee substitute, with instructions to draft a bill for sale or for lease at public action, and for sale of timbered lands, and for sale of timber thereon at public auction.

(Senator Gooch in the chair.)

Senator Cooper, chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 13, being "An act to amend articles 669 and 670 of the Code of Criminal Procedure," and find the same correctly enrolled, and have this day, at 11:35 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, February 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 140, being "An act to amend article 1135, chapter 1, title 28, of the Revised Civil Statutes," and find the same correctly enrolled, and have this day, at 11:35 a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, February 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 94, being "An act requiring the printing and publication of two thousand five hundred copies of the general laws of the Sixteenth and Seventeenth Legislatures, and the general laws of the called session of the Sixteenth Legislature," and find the same correctly enrolled, and have this day, at 11:35 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, February 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 56, being "An act to amend article 1083 of the Code of Criminal Procedure of the State of Texas," and find the same correctly enrolled, and have this day, at 11:35 o'clock, a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, February 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 33, being "An act to amend article 800, of chapter 3, title 9, of the second section of 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' passed February 21, 1879," and find the same correctly enrolled, and have this day, at 11:35 o'clock, a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

Senator Pfeuffer, by leave, introduced a bill, to be entitled "An act to permit certain land certificates to be located within territory reserved from location by act of July 14, 1879, as amended by act of March 11, 1881."

Referred to Committee on Public Lands.

A message was received from the House, announcing as follows:

Mr. President:

I am instructed to inform your honorable body that the House refuses to concur in Senate amendments to substitute House bills Nos. 95 and 199.

J. W. BOOTH,  
Chief Clerk House of Representatives.

In the journal of the first of February, 1883, on page 91, there is an omission in the Senate journal in the proceedings had on Senate bill No. 108, entitled "An act to amend title 11, chapter 3, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'

passed February 21, 1879." The words omitted are these: "Senator Traylor's substitute, as amended was readopted, and"—connecting with the words, "bill ordered engrossed by the following vote."

On motion of Senator Shannon, House bill No. 156, "An act to create a board for the assessment and equalization of railroad rolling stock and other moveable property of railroad companies in this State," was called up and referred by the chair to the Committee on Internal Improvements."

The following message from his excellency the Governor was taken up and read by the Secretary :

To the Senate and House of Representatives, State of Texas :

GENTLEMEN: I herewith transmit to your honorable bodies the report of the Board of Directors of the Agricultural and Mechanical College.

The Board of Directors are earnestly and thoroughly alive to the wants and final success of that institution, and I respectfully recommend to your favorable consideration the several suggestions and recommendations contained in the report:

I am, gentlemen, respectfully yours,

JOHN IRELAND,  
Governor State of Texas.

To His Excellency, John Ireland, Governor of the State of Texas :

I am directed by the Board of Directors of the Agricultural and Mechanical College to present the following additional report of the condition and wants of the college, for the information of yourself and the Legislature:

Since the reorganization of this board under the act of March 30, 1881, it has been the steady purpose of the board to make the college what the acts of Congress and the provisions of our State Constitution require it to be, namely: a college, the leading objects of which shall be, "without excluding other scientific and classical studies," to teach such branches of learning as relate to agriculture and the mechanical arts.

There is no country where proficiency in these branches is of more vital importance than ours. The building and operation of our vast system of railroads, the developments of our mineral resources and the erection of public and private edifices to meet the wants of our people, demand an amount of mechanical skill which our State, with all its efforts, will not for many years be able to supply.

Engineers and architects from other lands are at our doors, taking the credit and emoluments from these sources, almost to the exclusion of the sons of our own soil.

There were eleven graduates in the department of mechanical engineering at last commencement, for every one of whom a place was waiting before he received his diploma. The board feel justified in saying, if they could furnish annually in this department a hundred graduates, they could not supply half the home demand.

Though this department had been in operation less than two years, it has already been the source of public utility. Thus far the valuable machinery and tools of this department have been protected only by a box house; a more substantial building is required.

The department of agriculture and horticulture is no less important in the exigencies of the country, than that of mechanics. The board are free to say that this department, in no sense, approached the measure of efficiency which in their judgment, it should assume, and which the country demands. On the organization of this board, they found no adequate equipments for this department. There has been no appropriation for that purpose since. On this point the board adopt the language of Gen. L. D. Lee on the same subject to the Legislature of Mississippi: "Unless the equipments are furnished to enable the authorities of the college to carry out the spirit of the law, the trustees cannot properly be held responsible for the success of the college."

It should be the province of this college to direct the minds of the millions of our State engaged in the cultivation of the soil, not only to the best methods of fertilization and tillage, but to the proper means of obtaining and improving the best grades of all the domestic animals. It cannot be disguised that Texas in this regard, is lamentably deficient in the progress to be observed in nearly all the older States. It will be the fault of this board, and upon the Legislature upon which they are dependent, if our State shall not speedily be placed, and then kept fully abreast with the advancement of the world in this direction. The board hope to see the day when the peculiar excellences of all the improved breeds of stock may be pointed out on the grounds of the Agricultural and Mechanical College, and when all our people may there obtain acclimated animals of assured purity of blood.

That this result may be accomplished, the board respectfully ask your excellency to recommend to the Legislature the following appropriations :

*Estimates of appropriations for Agricultural and Mechanical College of Texas.*

FARM DEPARTMENT.

|  |         |
|--|---------|
| Improved stock.....  | \$5,000 |
| Additional barns and farm house....  | 1,500   |
| Dairy, sub-earth ventilation and modern improvements.....                              | 1,000   |
| Pig pens.....  | 100     |
| Detached stables for valuable stock, for safety from fire.....                         | 150     |
| Enclosing with lumber, posts and barbed wire the college tract, about 2,400 acres..... | 2,500   |
| Seeds, plants and trees, for two years.....  | 1,000   |
| Fertilizers for experimental purposes.....   | 500     |
| Cisterns for dairy and barns.....  | 500     |
| Engine house and cook rooms for feed for stock.....                                    | 200     |
| Engine for farm.....   | 800     |
| Pumps for piping.....  | 150     |
| Sugar cane mill and evaporator.....  | 300     |
| Mules, implements and agricultural machinery, tools, harness, etc.....                 | 2,500   |
| Feed cutting machine, with attachments.....  | 80      |
| Steam fittings and tanks for cooking for stock.....                                    | 75      |
| Water tanks and pipes and stop-cocks.....  | 75      |
| Wagon and stock scales.....  | 175     |
| One foreman for farm for two years, at \$600 per annum.....                            | 1,200   |
| One stockman for two years, at \$360 per year.....                                     | 720     |
| Five laborers for two years, at \$1200 per annum.....                                  | 2,400   |

MECHANICAL DEPARTMENT.

|  |       |
|--|-------|
| Building for shops and chemical laboratory.....            | 9,500 |
| Additional machinery, mechanical equipments and tools..... | 2,500 |

CHEMICAL DEPARTMENT.

|   |       |
|---|-------|
| For equipping the laboratory, to give students practical work in analysis of soils, manures, etc..... | 2,500 |
|---|-------|

MATHEMATICAL DEPARTMENT

|   |       |
|---|-------|
| Six compasses, two transits, three levels, chains, leveling rods and other instruments for giving practical instruction in surveying..... | 1,000 |
|---|-------|

REPAIRS AND IMPROVEMENTS.

|  |       |
|--|-------|
| Necessary repairs and improvements to building now in use..... | 5,000 |
| Building for students' dormitory.....                          | 8,000 |
| Hospital.....  | 5,000 |
| Two professors' houses.....                                    | 5,000 |

DEFICIENCY.

|   |       |
|---|-------|
| For support of State students from December 19, 1882, to June 27, 1883..... | 6,000 |
|---|-------|

The board wish to correct an erroneous impression in regard to the condition of the college. Alarming reports have gone out as to the health of the students and their diminution of numbers. The fact is there is not, at the time of the meeting of our board, February 8, a single serious case of sickness among the students, the only sickness being five cases of measles. There have been, during the season, severe cases of pneumonia, but no epidemic, and nothing has been more common over the State during the same period.

There have been two hundred and twenty one matriculations during the year. There are now one hundred and seventy two students. Of these forty-four are on furlough for various reasons, some returning from time to time; none absent without leave.

The board feel authorized to report the college efficient and prosperous as far as the means at their disposal could reasonably be expected to render it.

The appropriation to pay boarding of State students was exhausted on the nineteenth of December, except the sum of \$35. These students have been retained since that date, according to the requirements of the act of 1881, with the confident expectation that the Legislature will provide for the deficiency in their boarding account to the end of the year, June 27.

Of course a debt is accumulating for their boarding, fuel, lights and washing, which the college had no possible means of paying. The board would not be understood as approving the continuance of the State students beyond the end of the year. They are a class of excellent young men, who will doubtless be a credit to the State, if permitted to finish their course at her expense. Whether there should be a change in the mode of their appointment, or whether the bounty of the State should be shared alike by all the students, the board leave to the wisdom of your excellency, and of the Leg-

islature, merely suggesting that frequent changes in this respect are embarrassing to all concerned.  
Respectfully submitted.

J. D. THOMAS,  
Pres. Board of Education.

On motion of Senator Houston, the message, with accompanying documents, was referred to the Committee on Finance, and the same ordered to appear in the journals of to-day.

On motion of Senator Harris, the Senate adjourned until 10 o'clock a. m. to-morrow.

### THIRTIETH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, February 13, 1883. }

The Senate met pursuant to adjournment.  
Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain, Rev. Dr. Smoot.

On motion of Senator Traylor the reading of the journals of yesterday were dispensed with, and the same adopted.

Senator Fleming presented a petition from the citizens of Eastland county, requesting the passage of a law to confine all convicts within the walls of the State penitentiary.

Referred to Committee on Penitentiaries.

Also, a petition from the bar of Breckenridge, Stephens county, Texas, protesting against any change being made in their judicial district.

Referred to Committee on Judicial Districts.

Senator Terrell presented a petition of B. D. Bassford, asking relief or assistance for support as an old Texas veteran, and one who furnished his own equipments, provisions, etc., while protecting the frontier. He is now old and needy, and asks assistance.

Referred to Committee on State Affairs.

Senator Fleming presented a petition from the citizens of Howard county, asking a law governing the disposition of school lands in said county and section, so as to make them attractive to good settlers seeking to invest in homes in Texas.

Referred to Committee on Public Lands.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 12, 1883.

Hon. Marlon Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute for House joint resolution No. 5, "Granting leave of absence to certain district and county judges of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the reason that it does not appear that the notice required by the Constitution before the passage of such acts has been given, and that without such notice, in the judgment of your committee, the resolution, so far as it applies to the county judges, would be unconstitutional, and because a general act to apply to all such cases has passed the Senate, and because no permission is necessary to authorize district judges to absent themselves from the State.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 12, 1883.

Hon. Marlon Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 197, entitled "An act to amend article 4290 of the Revised Civil Statutes," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. The effect of this bill is to provide that no deed shall be recorded conveying real estate unless all taxes on such real estate

shall have been paid, and the deed, when presented for record, must be accompanied by a certificate to that effect. In the judgment of your committee such a provision in the law would beget delay, confusion and trouble, and fail to secure any useful purpose to compensate. The laws to enforce collections should be perfected without embarrassing transfers of title.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 12, 1883.

Hon. Marlon Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 235, entitled "An act to amend articles 2903 and 2907 Revised Civil Statutes," have carefully examined the same; and instruct me to report the same back with the recommendation that it do not pass. The object of this bill is to change the long established rule that actions for personal injuries die with the plaintiff, and to provide that they shall survive to the executor or administrator, and that the recovery shall be for the benefit of the husband, wife, children, parents or creditors of the deceased. Such change is not, in the judgment of your committee, necessary.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 12, 1883.

Hon. Marlon Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 233, entitled "An act to amend articles 4611 and 4612 of the Revised Civil Statutes," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

This bill is intended to provide that cattle and hide inspectors shall be appointed by the commissioners' court in certain counties, instead of being elected by the voters of the county in the law. In the judgment of your committee such a change is not necessary, as the same voters must elect the commissioners' court that elect the hide inspector, and they can be as safely trusted in the one instance as in the other.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 12, 1883.

Hon. Marlon Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 234, entitled "An act to be entitled 'an act authorizing writs of distress warrant, attachment and sequestration, and citations to be issued by justices of the peace in whose precinct the property, or part thereof, about to be seized, is situated,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The object of this bill is sufficiently indicated by the caption, and the legislation is not, in the judgment of your committee, necessary. The evils that would often result from the proposed change would not compensate for the annoyance and hardships that would often follow the enforcement of such a law.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 13, 1883.

Hon. Marlon Martin, President of the Senate:

The Senate joint resolution No. 27, proposes the payment of a poll tax for the benefit of public free schools as a qualification to vote in this State. The undersigned respectfully dissent from the adverse report made thereon by the Committee on Constitutional Amendments. The joint resolution proposes to limit the elective franchise to those who pay a poll tax at least thirty days before voting, to be evidenced by the receipt of the tax collector, which shall be stamped as "voted" when the vote is cast, and then returned to the owner. It exempts from such payment of taxes the soldiers of the Mexican war, and of the Texas revolution, and "those, who from age, infirmity, or physical disability, shall be unable to earn a support."

Those who object to the proposed amendment do so upon the ground that it requires, in effect, a property qualification to vote. The reverse is true; for in express terms it proposes to repeal the property qualification already in the Constitution of this State, and extend the right of free suffrage to all "who from age, infirmity, or physical disability, are unable to earn a support."